

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**SCOTT ENVIRONMENTAL  
SERVICES, INC.,**

Plaintiff,

v.

**A TO Z MUD CO., INC.,**

Defendant.

Civ. No.

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Scott Environmental Services, Inc. (“Scott”), for its complaint against Defendant A to Z Mud Co., Inc. (“A to Z”) alleges as follows:

**PARTIES**

1. Plaintiff Scott is a corporation organized under the laws of Texas having a principal place of business in Longview, Texas. Scott is a technology-driven oil and gas field service company specializing in the cost-effective recycling of oil and gas well waste through application of its patented and proprietary technologies.

2. On information and belief, Defendant A to Z is a corporation organized under the laws of Texas having a principal place of business at 307 Seventh Street, Suite 905, Fort Worth, Texas 76102.

**JURISDICTION AND VENUE**

3. This is an action alleging patent infringement arising under Title 35 of the United States Code. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338.

4. This Court has personal jurisdiction over A to Z because A to Z is incorporated in Texas, and, on information and belief, A to Z has transacted business in this District, contracted to supply services in this District directly or through its agents, purposely availed itself of the privileges and benefits of the laws of the State of Texas, and committed acts of patent infringement during the course of its business in this District.

5. Venue is proper in this District pursuant to 28 §§ 1391 and 1400(b).

### **THE PATENT-IN-SUIT**

6. On August 30, 2011, United States Patent No. 8,007,581 (“the ‘581 patent”) entitled “Incorporation of Drilling Cuttings Into Stable Load-Bearing Structures” was duly and legally issued by the United States Patent and Trademark Office. Scott is the owner of the entire right, title, and interest in and to the ‘581 patent. A true and correct copy of the ‘581 patent is attached as Exhibit A to this Complaint.

### **COUNT I** **A to Z’s Infringement of the ‘581 Patent**

7. Scott re-alleges and incorporates herein by reference the allegations contained in Paragraphs 1 through 6.

8. Upon information and belief, A to Z has directly infringed and continues to directly infringe the ‘581 patent, literally or under the doctrine of equivalents, by making importing, using, offering for sale, and/or selling the methods covered by one or more claims of the ‘581 patent, all in violation of 35 U.S.C. § 271(a) as evidenced by, among other things, the activities performed and papers submitted in connection with A to Z’s mobile commercial recycling permit (Permit No. MR-0010) issued by the Railroad Commission of Texas, Oil and Gas Division.

9. Scott has been damaged by the infringing activities of A to Z and thus Scott is entitled to receive compensatory damages for the infringement in an amount subject to proof at trial.

10. A to Z's infringement of the '581 patent has and will continue to damage Scott's business, causing irreparable injury to Scott for which there is no adequate remedy at law, unless A to Z is enjoined from further infringement by this Court.

11. A to Z has been given actual notice of the existence of the '581 patent by letter dated September 2, 2011 and, upon information and belief, has known that its acts constitute infringement of the '581 patent. Despite such notice, A to Z continues in acts of infringement without regard to the '581 patent, and will likely continue to do so unless otherwise enjoined by the Court.

12. A to Z's infringement of the '581 patent has been and is willful and deliberate. This entitles Scott to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

### **PRAYER FOR RELIEF**

WHEREFORE, Scott requests the following relief:

1. A judgment that A to Z has infringed, literally or under the doctrine of equivalents, one or more claims of the '581 patent in violation of 35 U.S.C. § 271;

2. A judgment and order requiring A to Z to pay Scott damages adequate to compensate for infringement under 35 U.S.C. § 284, which damages may include lost profits but in no account shall be less than a reasonable royalty for the use made of the inventions of the '581 patent;

3. A judgment that Scott has been irreparably harmed by the infringing activities of A to Z and that Scott is likely to continue to be irreparably harmed by A to Z's continued infringement;

4. A permanent injunction prohibiting A to Z and its officers, agents, servants, employees and those persons in active concert or participation with any of them, as well as all successors or assigns of the interests or assets related to the accused method, from further infringement of the '581 patent;

5. A judgment that A to Z's infringement was willful;

6. An award of enhanced damages up to and including treble damages pursuant to 35 U.S.C. § 284;

7. An award of interest as allowed by law;

8. An award of an accounting and/or supplemental damages for any damages not addressed at trial and any post-trial damages;

9. A judgment that this case is exceptional pursuant to 35 U.S.C. § 285;

10. An award of costs and reasonable attorneys' fees in connection with this action;  
and

11. An award to Scott of any other relief, in law and in equity, to which the Court finds that Scott is justly entitled.

#### **DEMAND FOR JURY TRIAL**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Scott hereby demands a trial by jury of all issues so triable.

Dated: September 10, 2013

Respectfully submitted,

**Novak Druce Connolly Bove + Quigg LLP**

/s/ Keith A. Walter, Jr.

Keith A. Walter, Jr.

Delaware State Bar No. 4157

(admitted to practice before the U.S. District  
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